

In the Claims:

Please cancel claims 23-30, 40-43, and 46 without prejudice. Please add the following new claims 47-52 to the present case.

5        1. (First Amended) An implant for relieving pain associated with at least one of spine and surrounding tissues and structures [the spinal column], which implant is positionable between spinous processes of the spine [spinal column], the implant comprising:

10      a first wing adapted to be positioned adjacent the spinous processes with a central body extending therefrom, said central body having a longitudinal axis and said central body adapted to be positioned between the spinous processes, said first wing of a sufficient dimension to prevent said first wing from slipping between the spinous processes; and

15      a sleeve positioned over said central body with said sleeve being able to rotate about said longitudinal axis of said central body so as to be positionable relative to said central body in order to aid in positioning said implant between spinous processes.

20      2. (First Amended) The implant of claim 1 wherein:

25      said sleeve has an elliptical cross-section in a plane that is substantially perpendicular to the longitudinal axis.

30      3. The implant of claim 1 wherein:

35      said sleeve has an elliptical cross-section in a plain which is substantially perpendicular to the longitudinal axis.

40      3A. (Once Amended) The implant of claim 1 including:

42      a second wing;

45      said central body having an end located distally from said first wing;

50      a first sleeve guide extending from said first wing; and

55      a first groove provided in said sleeve, such that with the sleeve received over said central body said first groove receives said first sleeve guide from said first wing so that said sleeve can rotate about said central body guided by said first sleeve guide.

5. The implant of claim 4 wherein said first guide include first and second pins extending from said first wing respectively.

6. The implant of claim 4 wherein said first grooves are curved.

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7. The implant of claim 1 wherein said sleeve has a circular cross-section.

*a3 7*

8. (First Amended) The implant of claim 1 wherein said sleeve has a cylindrical cross-section with a curved peripheral edge.

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9. The implant of claim 1 wherein said sleeve is cylindrical in shape.

*b*

10. The implant of claim 1 wherein said sleeve is spaced from said central body.

*a*

11. (First Amended) An implant for relieving pain associated with at least one of the spine and surrounding tissues and structures, which implant is positionable between spinous processes of the spinal column, the implant comprising:

a first wing with a central body extending therefrom, said central body having a longitudinal axis;

a sleeve positioned over said central body with said sleeve being able to rotate about said longitudinal axis of said central body so as to be positionable relative to said central body in order to aid in positioning said implant between spinous processes; and

[The implant of claim 1] wherein said sleeve is oval in cross-section in a plane which is substantially perpendicular to the longitudinal axis.

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12. The implant of claim 1 wherein said sleeve is comprised of a super-elastic material.

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13. The implant of claim 1 wherein said sleeve is comprised of a material that is repeatably deflectable toward said central body.

14. The implant of claim 1 wherein said sleeve is spaced from said central body in order to allow for the deflection of said sleeve toward said central body.

*17* 15. (First Amended) An implant for relieving pain associated with at least one of the [spinal column] spine and surrounding tissues and structures, which implant is positionable between spinous processes of the spine [spinal column], the implant comprising:

5        first means for positioning and retaining said implant relative to spinous processes;  
[and]

*a/s*        second means for adjusting said implant to the anatomical shape of the spinous processes; and

10        said second means extends substantially perpendicular to the first means and including a sleeve rotatable about an axis.

*16* 16. The implant of claim 15 wherein said adjusting means includes a member which is positionable relative to said positioning and retaining means.

*SM 09 21 20 00* 17. (First Amended) The implant of claim 15 wherein said adjusting means includes a member which is positionable relative to said positioning and retaining means; and

*21*        which member has a shape which has a preferred orientation with respect to the spinous processes.

18. (First Amended) An implant for relieving pain associated with at least one of the spine and surrounding tissues and structures [spinal column], which implant is positionable between spinous processes of the [spinal column] spine, the implant comprising:

25        a first member that retains the implant relative to the spinous processes; [and]  
            a second member that is movable relative to said first member such that the second member can be repositioned relative to the first member as the implant is inserted relative to the spinous processes in order for the implant to adjust to the anatomical shape of the spinous processes; and

30        said second member extends substantially perpendicular and to the first member along an axis and said second member is rotatable about said axis.

19. The implant of claim 1 wherein said sleeve is comprised of an alloy of nickel and titanium.

*S5* 5  
*D17A*

20. The implant of claim 1 wherein:

said sleeve can rotate as the implant is inserted between spinous processes from a posterior position to an anterior position closer to vertebral bodies of the spinal column.

10 21. (First Amended) The implant of claim 15 wherein:

*D15*

said [member] second means can move relative to the positioning and retaining means as the implant is inserted between spinous processes from a posterior position to an anterior position closer to vertebral bodies of the spinal column.

15 22. The implant of claim 18 wherein:

said second member can move relative to the first member as the implant is inserted between spinous processes from a posterior position to an anterior position closer to vertebral bodies of the spinal column.

20 23.-30. Canceled. ✓

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23 31. (First Amended) An implant for relieving pain associated with at least one of the [spinal column] spine and surrounding tissues and structures, which implant is positionable between adjacent spinous processes of the spine [spinal column], the implant comprising:

a first unit including a central body, a guide and a first wing, said first wing located at a first end of said central body and said guide extending from a second end of said central body located distally from said first wing;

said central body having a longitudinal axis;

25 a sleeve provided over said central body, said sleeve [at least partially spaced from said central body and] rotatable about said central body;

a second wing; and

a device that secures the second wing to the first unit.

30 32. The implant of claim 31 wherein:

said sleeve is cylindrical and is oval in cross-sectional shape.

33. The implant of claim 31 wherein:

5 said sleeve is cylindrical and has a cross-section with a major dimension and a minor dimension.

10 34. The implant of claim 31 wherein:

15 said sleeve is comprised of a super-elastic material.

20 35. The implant of claim 31 wherein:

said sleeve is comprised of a super-elastic alloy of nickel and titanium.

25 36. The implant of claim 31 wherein:

30 said guide is pointed in order to allow the central body to be urged between two spinous processes without alteration to the spinous processes.

35. (First Amended) An implant for relieving pain associated with at least one of the [spinal column] spine and surrounding tissues and structures, which implant is positionable between adjacent spinous processes of the spine [spinal column], the implant comprising:

40 a first unit including a central body, a guide located at a first end of the central body and a stop located at a second end of the central body;

45 said central body having a longitudinal axis;

50 a sleeve provided over said central body, said sleeve [at least partially spaced from said central body and] rotatable about said central body; and

55 said sleeve held in place between said guide and said stop.

25 38. The implant of claim 37 wherein:

60 said sleeve has a cross-section with a major dimension and a minor dimension.

30 39. The implant of claim 37 wherein:

65 said sleeve is comprised of a super-elastic material.

70 40.-43. Canceled.

75 44. (First Amended) An implant for relieving pain associated with at least one of the [spinal column] spine and surrounding tissues and structures, which implant is

positionable between spinous processes of the spine [spinal column], the implant comprising:

a first wing; and

a sleeve mounted relative to the first wing with said sleeve being rotatably

positionable relative to the first wing so as to aid in positioning the sleeve between spinous processes.

45. The implant of claim 41 wherein:

said sleeve is comprised of a super-elastic alloy of nickel and titanium.

46. Canceled.

47. (New) An implant for relieving pain associated with at least one of the spine and associated tissues and structures [spinal column], which implant is positionable between spinous processes of the spine [spinal column], the implant comprising:

a first wing with a central body extending therefrom, said central body having a longitudinal axis;

a sleeve positioned over said central body with said sleeve being able to rotate about said longitudinal axis of said central body so as to be positionable relative to said central body in order to aid in positioning said implant between spinous processes; and

said sleeve has a cross-section in a plane which is substantially perpendicular to the longitudinal axis, which cross-section has a curved peripheral edge.

48. (New) The implant of claim 47 wherein said cross-section is circular.

49. (New) The implant of claim 47 wherein:

said cross-section is elliptical.

50. (New) The implant of claim 1 wherein:

said sleeve has a circular cross-section in a plane that is substantially perpendicular to the longitudinal axis.

51. (New) The implant of claim 1 wherein: